

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

NOVEMBER 7, 2007

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **November 7, 2007** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

11 present, 1 absent. Commissioner Sheehy was excused.

PRAYER

Commissioner Mulcahy led the commissioners in prayer.

APPROVAL OF THE MINUTES OF THE OCTOBER 24, 2007 MEETING

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Minutes of the October 24, 2007 Regular Meeting.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE’S REPORT

Chief Executive Babb said that Safe Space recognized Officer Murphy as the Officer of the Year. He offered his congratulations to Officer Murphy.

He said that they have a meeting scheduled to bring all of the groups together and start talking about the pool, splash parks – all those type of things. He said to let him know if anyone is interested and he will make sure that you are included with an agenda.

He said we did get some good news – the I-15 and I-90 Consortium- we did get close to one million dollars between the Federal and the State for radios and communications. Congratulations to all the people that worked very hard on that.

He asked that we all keep Lori Sorenson's family in our thoughts and prayers. She is an employee who just passed away. Our condolences go out to the Sorensen and the Richards family.

SECTION I

PRESENTATION COMMUNICATION NO. 07-708

Paul Babb, Chief Executive, requesting time on 11/7/07 agenda to make a presentation on the reorganization of the Community and Economic Development Departments.

Chief Executive Babb said he has spoke before the TIFID Board, the URA Board and also the RRA Board. They have all passed motions supporting and adopting this reorganization. He feels it is important for all council members to know when the Executive Branch is reorganizing and answer any questions that you might have. He visited with any employees that are involved in this. He visited with County Attorney McCarthy to ask him how he should proceed. He suggested that I talk with the Boards, with employees and then give a presentation to Council. Even though Karen Byrnes is already the Community Development Director, I have put a communication to council asking for your concurrence again with her appointment.

The main reason that I looked at reorganization is because as we all know in the past year there has been some problems with the Economic Development Department. He feels that economic development in our community is right up at the top of the list of how we are going to do right by the people of Butte and get people employed and make sure that our TIFID area, our URA area, our Revitalization efforts – that nothing falls through the cracks and we do the best job possible. What I wanted to do with the absence and resignation of Russ Connole as the Economic Development Director is make sure that we did not have a lapse. Where we would have somebody that understands TIFID's, that understands economic development and has the education and background to step into that role. I believe that now is the right time to reorganize. He called their attention to the reorganization chart that had been enclosed in their packets. Karen Brynes as Director will be ultimately responsible for those areas directly below her name. The Business Development Center is going to stay the same right now. Right now I don't feel it is filling the mission that it was set out to do – to incubate businesses that were manufacturing and get them into the community where they could get a good start. Spend a couple of years being incubated and then go out in the community and start employing people and standing on their own. What we've really come into now is subsidized rent. Business incubators and development are kind of a thing of the past. As we move into the next year I want to start looking at the incubator and what our mission is and what will happen there is yet to be seen. The only real difference that will happen with the URA and the RRA is that Karen will still be the director but some of her time will be spread in different areas. With the Administration instead of having Sue

Kenny and Susan Powell under the URA, the RRA and Community Development, they would be able to go across the board. So our administrative people would be able to fill in wherever they would be needed. He talked with the union to show them the organization to see if they had any questions. They didn't have any problems with it. The changes really come under the TIFID. Instead of having an Economic Development Director that would act as the administrator, we would just have a TIFID administrator and their sole function would be to manage everything that has to do with the TIFID. The Economic Analyst was already budgeted.

He then explained the budget. He explained the amount of Karen Byrnes salary. It brings that position into line with other department heads. She would not be the highest paid. On average she would be right in line with where other department heads are at. There will not be an increase in the budget. Everything that we are proposing is covered in the budget that has been passed.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to place Communication No. 07-708 on file.

SECTION II

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B.

COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner Coleman made a "friendly amendment" for the Judiciary Committee Meeting Report, Section II. He changed the recommendation to simply read "Committee recommends move to final reading and pass" and delete the rest of the sentence. Also on Section IV, Council Bill No. 07-19, Ordinance No. 07-19 to move that to Section V for second reading. Commissioner Shaw had a "friendly amendment" under Ordinance and Resolutions it should read Second Reading instead of Section Reading. Commissioner O'Leary made a "friendly amendment on Section III, Communication to be Read and Acted Upon. The Communication No. 07-710 should not come with a recommendation so that should be struck.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, 1 through 4 and Section B, Items 1 through 25.

SECTION III COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-710 Paul Babb, Chief Executive, requesting concurrence in appointment of Karen Byrnes as Director of the reorganized Community Development Department.

It was moved by Commissioner O’Leary, seconded by Commissioner and carried with a unanimous verbal vote to concur with the request for the appointment of Karen Byrnes as Director of reorganized Community Development Department.

Commissioner O’Leary then moved to place Communication No. 07-710 on file. The motion was seconded by Commissioner Lee and carried with a unanimous verbal vote.

SECTION IV ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. **COUNCIL BILL NO. 07-21
ORDINANCE NO. 07-21**

AN ORDINANCE AMENDING CHAPTER 2.14 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAND DIVISION”; AMENDING SECTIONS 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.060 AND 2.14.070, B-SB MC; CREATING A LAND RECORDS DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL RESOLUTION NO. 07-97**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE AMENDED PLAT OF LOT 5 IN BLOCK 10 OF THE HILLCREST ADDITION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION V ORDINANCES AND RESOLUTIONS – SECOND READING

1. **COUNCIL BILL NO. 07-19
ORDINANCE NO. 07-19**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.53 OF THE

BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “BUTTE-SILVER BOW CEMETERY”; PROVIDING FOR THE CITY AND COUNTY OF BUTTE-SILVER BOW TO OPERATE AND MANAGE THE SUNSET SILVER BOW CEMETERY PURSUANT TO SECTION 7-35-2201, MCA 2005; PROVIDING FOR THE SUNSET SILVER BOW CEMETERY TO BE RENAMED THE BUTTE-SILVER BOW CEMETERY; PROVIDING FOR THE BUTTE-SILVER BOW CEMETERY TO BE OPERATED UNDER THE PUBLIC WORKS DEPARTMENT AND SETTING FORTH THE DUTIES AND FUNCTION FOR THE OPERATION OF THE CEMETERY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Bill No. 07-19, Ordinance No. 07-19 on second reading and passed having been deemed fully read at length.**

**2. COUNCIL BILL NO. 07-20
ORDINANCE NO. 07-20**

AN ORDINANCE AMENDING CHAPTER 2.08 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LOCAL GOVERNMENT EMPLOYEES”; AMENDING SECTION 2.08.070; INCREASING THE FEE FOR MEALS FOR TRAVEL FOR EMPLOYEES OF BUTTE-SILVER BOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Bill No. 07-20, Ordinance No. 07-20 on second reading and passed having been deemed fully read at length.**

**SECTION VI ORDINANCES AND RESOLUTIONS –
FINAL READING**

**1. COUNCIL BILL NO. 07-16
ORDINANCE NO. 07-16**

AN ORDINANCE AMENDING CHAPTER 9.16 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “PARK RESTRICTIONS”; AMENDING SECTIONS 9.16.010, 9.16.020, 9.16.030, 9.16.040, 9.16.050, 9.16.060 AND 9.16.070 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REGULATING THE PUBLIC USE AND HOURS OF USE OF THE EXTERIOR OF THE AREA AROUND THE BUS TRANSFER STATION AND THE FRONT LANDSCAPED AREA OF THE CIVIC CENTER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Bill No. 07-16, Ordinance No. 07-16 on final reading and passed having been deemed fully read at length.**

**2. COUNCIL BILL NO. 07-18
ORDINANCE NO. 07-18**

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Bill No. 07-18, Ordinance No. 07-18 on final reading and passed having been deemed fully read at length.**

3. COUNCIL RESOLUTION NO. 07-92

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE FLEECER VIEW PHASE II MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-92 on final reading and passed having been deemed fully read at length.**

4. COUNCIL RESOLUTION NO. 07-94

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF VACANT PROPERTY LOCATED IN THE 1600 BLOCK OF HANCOCK STREET, LEGALLY DESCRIBED AS LOTS 10, 11, 12, 13, AND 14 IN BLOCK 15 OF THE NORTHERN PACIFIC ADDITION, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-94 on final reading and passed having been deemed fully read at length**

5. COUNCIL RESOLUTION NO. 07-95

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY UNOFFICIALLY DESCRIBED AS LOTS 4 AND 5 IN BLOCK 6 OF THE GAGNON ADDITION (AN UNFILED PLAT) OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-95 on final reading and passed having been deemed fully read at length.**

**SECTION VII ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES**

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to suspend the rules for the purpose of passing Council Resolution No. 07-96 and Council Resolution No. 07-98 by waiving subsection 7 of the Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having them considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 07-96

A RESOLUTION ACCEPTING THE DONATION OF VARIOUS PARCELS OF PROPERTY WHICH HAVE HISTORICALLY BEEN USED FOR PUBLIC RIGHT-OF-WAY, INCLUDING PORTIONS OF STEEL STREET, MUSEUM WAY AND THE BLUEBIRD TRAIL (PARK STREET EXTENDED), FROM ARCO ENVIRONMENTAL REMEDIATION, LLC, ALL OF WHICH ARE LOCATED IN SECTION 14, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-96 on final reading and passed having been deemed fully read at length.**

2. COUNCIL RESOLUTION NO. 07-98

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING

UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW DISASTER AND EMERGENCY SERVICES DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY/FEMA TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote of place Council Resolution No. 07-98 on final reading and passed having been deemed fully read at length**

Mary McMahon gave an update on the Archives election. She said they sent out 16,121 ballots who are actively registered voters for the Archives election. As of today they have 8,464 ballots in. We have processed as of today 6,459 of those. We still have over 1400 of them that were returned to us as undeliverable and they appear on the web site of the Montana Standard all of the names of those folks that did not get their ballots. Unfortunately, they are not moving out very quickly. We will be doing some publicity for the next few days to try to roust out some of those voters. We also have about 150 with no signatures and another 150 that the signatures don’t match what we’ve scanned into the system. So, we continue to work on those. At this point we have 50% in with a good five days yet to go for processing and receiving ballots.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:10 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER

